



State of Arizona

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Joint Statement by Governor Jan Brewer and Attorney General Tom Horne re: Monday's Ninth U.S. Circuit Court of Appeals Decision on SB 1070

"I remain steadfast in my belief that Arizona and other states have a sovereign right and obligation to protect their citizens and enforce immigration law in accordance with federal statute," said Governor Jan Brewer. "Monday's decision by the Ninth Circuit Court of Appeals to uphold Judge Bolton's suspension of key provisions of SB 1070 does harm to the safety and well-being of Arizonans who suffer the negative effects of illegal immigration."

In the days ahead, Governor Brewer, Attorney General Horne and their legal team – in conjunction with counsel for the Arizona Legislature – will be considering their legal options. Those options include appealing to a larger, *en banc* panel of the 9th Circuit Court, or seeking an immediate petition for the U.S. Supreme Court to lift the injunction on SB 1070. It has always been expected that this legal fight would be a long one. But the Ninth Circuit Court is the most overturned appeals court in the nation for a reason. Both Governor Brewer and Attorney General Horne believe that the constitutionality of SB 1070 will eventually be affirmed.

"I note that the 9th Circuit relied heavily on the opposition of foreign governments in upholding the injunction on two of the four elements," said Attorney General Horne. "As the dissent by Judge Carlos T. Bea eloquently stated, foreign governments should not be given a 'heckler's veto' to establish preemption by the federal government over the state."

Governor Brewer agreed.

"It is outrageous that the Ninth Circuit Court would grant foreign nations the de facto right to veto the duly-enacted laws of a sovereign state of the United States," said Governor Brewer. "Judge Bea was correct in his dissent when he wrote that 'a foreign nation may not cause a state law to be pre-empted simply by complaining about the law's effects on foreign nations.' Today's decision is internationalism run amok that ranks right up there with the U.S. State Department's decision to refer S.B. 1070 to the United Nations Human Rights Council."

With its Monday decision, the Ninth Circuit Court refused to lift injunctions imposed upon four key provisions of SB 1070. Those provisions include a requirement that law enforcement officers verify immigration status when they arrest an individual and have reasonable suspicion to believe they're in the country illegally, and a mandate that specific alien or foreign visitors register with the government and carry documentation.

Attorney General Horne noted that these sections of SB 1070 either mirror federal law or comport with earlier Ninth Circuit Court decisions. Horne stated: "I believe the Ninth Circuit decision will be overturned by the United States Supreme Court, and I pledge to make every possible effort to achieve that result."

"It's worth remembering how we got here," noted Governor Brewer. "For decades, the federal government has neglected its constitutional duty to American citizens by failing to secure the border. States like Arizona have borne the brunt of that failure. We see the impacts in our border areas, where Arizona ranchers live day and night with human-traffickers crossing their lands. We see it in our neighborhoods and communities, where drop houses and drug-runners have become a staple of the evening news."

Governor Brewer continued: "I signed SB 1070 into law nearly one year ago so that it would give the State of Arizona an additional tool to use in addressing the immigration crisis. I will continue to fight, along with Attorney General Horne, for this important law and for Arizona's right to defend itself and its citizens."

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